

ORDINANCE NO. 864-25

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING CHAPTER 1, ARTICLE 3 “DEFINITIONS”, AND CHAPTER 10, ARTICLE 3, SECTION 3 “PUBLIC NUISANCES DESIGNATED” OF THE TOWN OF QUEEN CREEK TOWN CODE, AS DESCRIBED IN EXHIBIT A ATTACHED HERETO, IN ACCORDANCE WITH PLANNING CASE P25-0037.

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full, but exhibits to the ordinance need not be published in full so long as certain requirements are fulfilled; and

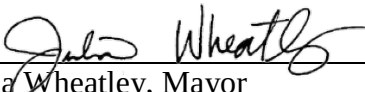
WHEREAS, it is in the best interest of the Town and its residents to adopt the amendments to the Town Code set forth in the attached Exhibit A amending Chapter 1, Article 3 “Definitions” and Chapter 10, Article 3, Section 2 “Public Nuisances Designated”.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

- Section 1:** The Queen Creek Town Code – Chapter 1, Article 3 “Definitions” and Chapter 10, Article 3, Section 2 “Public Nuisances Designated”, and incorporated herein is declared to be a public record.
- Section 2:** The amendments to the Town Code – Chapter 1, Article 3 “Definitions” and Chapter 10, Article 3, Section 2 “Public Nuisances Designated” set forth in Exhibit A are hereby adopted.
- Section 3:** The documents attached hereto as Exhibit A, titled Chapter 1, Article 3 “Definitions” and Chapter 10, Article 3, Section 2 “Public Nuisances Designated” and incorporated herein is declared to be public records.
- Section 4:** If any section, subsection, clause, phrase or portion of this Ordinance or any part of these amendments to the Town Code is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
- Section 5:** The effective date of this Ordinance shall be May 2, 2025.
- Section 6:** At least one paper copy and one electronic copy of this Ordinance and Exhibit(s) are to be filed with and are located at the office of the Town Clerk.

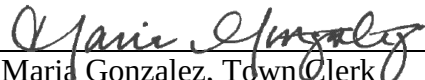
PASSED AND ADOPTED by the Common Council of the Town of Queen Creek, Arizona, this 2nd day of April, 2025.

FOR THE TOWN OF QUEEN CREEK:



Julia Wheatley, Mayor

ATTESTED TO:



Maria Gonzalez, Town Clerk

REVIEWED BY:


Bruce Gardner (Apr 3, 2025 18:30 PDT)

Bruce Gardner, Town Manager

APPROVED AS TO FORM:



Dickinson Wright, PLLC
Town Attorneys

EXHIBITS ON FILE AND LOCATED AT THE TOWN CLERK'S OFFICE

ORDINANCE 864-25 EXHIBIT A

Chapter 1, Article 1, Section 3 DEFINITIONS

1-3-13 Or, And

"Or" may be read "and," and "and" may be read "or," if the sense requires it.

1-3-14 ORDINANCE VIOLATION

AN ORDINANCE VIOLATION OR CIVIL OFFENSE IS ANY ACT COMMITTED OR OMITTED IN BREACH OF A CODE FORBIDDING OR COMMANDING IT, AND TO WHICH IS IMPOSED, UPON A FINDING OF RESPONSIBILITY, A CIVIL PENALTY AS SET FORTH IN ARTICLE 9-21-2 AND IN SPECIFIC ARTICLES AND SECTIONS OF THIS CODE, AS WELL AS STATE AND FEDERAL LAW, WHERE APPLICABLE.

1-3-145 Person

The word "person" shall extend and be applied to firms, corporations or voluntary associations, as well as to individuals, unless plainly inapplicable.

1-3-156 Personal Property

"Personal property" includes every species of property, except real property as defined in this article.

1-3-167 Preceding, Following

The words "preceding" and "following" mean next before and next after, respectively.

1-3-178 Property

The word "property" shall include real and personal property.

1-3-189 Real Property

"Real property" shall include lands, tenements and hereditaments.

1-3-~~190~~20 Shall, May

"Shall" is mandatory and "may" is permissive.

1-3-~~201~~ Shall Have Been

The words "shall have been" include past and future cases.

1-3-~~242~~ Signature Or Subscription By Mark

"Signature" or "subscription" includes a mark when the signer cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

1-3-~~223~~ State

The words "the state" shall be construed to mean the State of Arizona.

1-3-~~234~~ Tenant Or Occupant

The word "tenant" or "occupant" applied to a building or land shall include any person holding a written or an oral lease or who occupies the whole or part of such building or land, either alone or with others.

1-3-~~245~~ Tenses

The present tense includes the past and future tenses, and the future includes the present.

1-3-~~256~~ Time--Computation

The time within which an act is to be done as provided in this code or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Saturday, Sunday or holiday it shall be excluded; and when such time is expressed in hours, the whole of Saturday, Sunday or a holiday, from midnight to midnight, shall be excluded.

10-3-2 Public Nuisances Designated

In combination with Article 10-2, acts, omissions, conditions and things in or upon any land, property, private lot, building, structure or premises, or in or upon any public right-of-way, wash, street, avenue, alley, park, parkway or other public or private place in the town which are injurious to the public health, safety and general welfare, which interfere with the comfortable enjoyment of life or property by any person, or which unlawfully obstruct the free passage or use of any public park, wash, square, alley, sidewalk, street or highway are hereby declared to be public nuisances, including, but not limited to the following:

- A. Privies, vaults, cesspools, sumps, pits or like places which are not securely protected from insects or rodents, or which are foul or malodorous, or which are not securely closed and protected or, if necessary, illuminated so as to prevent persons or objects from falling therein. Nothing in this subsection shall be deemed to prohibit uses named herein when such are necessary and incidental to an agricultural use on land defined in this chapter as "property used for agricultural purposes."
- B. Filthy, littered or trash-covered exterior areas, including all buildings and structures thereon and areas adjacent thereto.
- C. Animal manure in any quantity which is not securely protected from insects and the elements, or which is kept or handled in violation of any ordinance of the town or Maricopa County. Nothing in this subsection shall be deemed to prohibit uses named herein when such are necessary and incidental to an agricultural use on land defined in this chapter as "property used for agricultural purposes."
- D. Poison oak, poison ivy, or any noxious or toxic weeds or uncultivated plants (whether growing or otherwise), weeds, grass, uncultivated shrubs or growth which present a fire hazard. All exterior property areas shall be kept free from dry vegetation, tumbleweeds, weeds, bushes and grass and trees which present a visual blight upon the area, which may harbor insect or rodent infestations and dry vegetation, or which may likely become a fire hazard, or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants.
- E. Any accumulation of items visible from the right of way or the property of another including, but not limited to: Equipment, building or landscaping materials, parts/auto parts, appliances, mattresses, boxes, or scrap items. Building or Landscaping materials are allowed if there is a valid, active building permit pertaining to these items. This prohibition does not apply to an accumulation of items which are contained within an acceptable trash receptacle equipped with either a door or lid to prevent the unintended spillage of such materials. Nothing in this subsection shall be deemed to prohibit uses named herein when such are necessary and incidental to an agricultural use on land defined in this chapter as "property used for agricultural purposes."
- F. Accumulations of trash, litter, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, packing straw, packing hay or other packing material, lumber, scrap iron, tin and other metal, or anything whatsoever in which insects may breed or multiply or which provides harborage for rodents or which may create a fire hazard. Nothing in this subsection shall be deemed to prohibit uses named herein when such are necessary and incidental to an agricultural use on land defined in this chapter as "property used for agricultural purposes."
- G. Any unsightly and dangerous building, billboard or other structure, or any old abandoned or partially destroyed building or structure, or any building or structure commenced and abandoned.
- H. Any property used or maintained as junk yards or dumping grounds, or for the wrecking, dissembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to interfere with the comfortable enjoyment or the quality of life or property by and of others; provided, however, that nothing contained in this subsection shall be deemed to prohibit any automobile wrecking yard or other junk yard where the same is otherwise permitted

by the Town zoning ordinance and amendments thereto, which is operated in conformity therewith. Nothing in this subsection shall be deemed to prohibit uses named herein when such are necessary and incidental to an agricultural use on land defined in this chapter as “property used for agricultural purposes.”

- I. Any putrid, unsound or unwholesome bones, meat, hides, skins, or the whole or any part of any dead animal, fish or fowl, butcher's trimmings and offal, or any waste vegetable or animal matter in any quantity, garbage, human or animal excreta, sewage or other offensive substances accumulated on private or public property; provided, however, nothing herein contained shall prevent the temporary retention of waste in receptacles in the manner provided by a county health officer, this code or ordinance of the town.
- J. The erection, continuance or use of any building, room or other place in said town for the exercise of any trade, employment or manufacture which, by noxious exhalations, including, but not limited to, smoke, soot, dust, fumes or other gases, offensive odors or other annoyances, which is discomforting or offensive or detrimental to the health of individuals or of the public, except for normal exhalation or smoke produced by normal heating devices. Nothing in this subsection shall be deemed to prohibit uses named herein when such are necessary and incidental to an agricultural use on land defined in this chapter as “property used for agricultural purposes.”
- K. Causing, allowing or permitting any artificial illumination of such intensity as to interfere substantially and unnecessarily with the use and enjoyment of public or private property by any considerable number of people, with the lawful use of any school, public place or public street, with any governmental or public function of the town, or as to constitute a hazard or threat to the public health, safety and welfare of the people of the town; provided, however, this subsection shall not apply where the person responsible for said artificial illumination is authorized by the town manager, any school within the town, this code or any ordinance of the town. Nothing in this subsection shall be deemed to prohibit uses named herein when such are necessary and incidental to an agricultural use on land defined in this chapter as “property used for agricultural purposes.”
- L. Burning of refuse. No outside burning is allowed except when such burning is necessary and incidental to an agricultural use on land defined in this chapter as “property used for agricultural purposes.”
- M. Any unguarded or abandoned excavation, pit, well or hole which is dangerous, injurious or harmful to life or property.
- N. To leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under the control of any person and in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, freezer, or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, unless such icebox, refrigerator or other container is properly stored by first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container.
- O. The doing of any act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or other thing either:
 - 1. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous the free passage or use, in the customary manner, of any stream, public park, parkway, square, sidewalk, street, highway, or right of way in the Town and is no less a nuisance because the extent of the annoyance or damage inflicted is unequal.
 - 2. Obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property by an entire community or neighborhood or by a considerable number of persons.
- P. To leave or permit to remain overnight in the front yard of any private premises, construction equipment whether free standing or on one or more axles; or to store overnight in the front yard of any private premises, any building materials whether free standing or on pallets or skids, when such equipment or materials are not for use at the premises or stored pursuant to a valid and current

building permit issued by the town for work at that premises. Equipment and materials may be stored in the side yard area of any private premises so long as they are screened from public view by an opaque wall, fence or other permitted screen. Nothing in this subsection shall be deemed to prohibit uses named herein when such are necessary and incidental to an agricultural use on land defined in this chapter as “property used for agricultural purposes.”

- Q. Any dangerous, deteriorated, abandoned, partially destroyed or unfinished building, addition, appendage or other structure, or any building or structure in violation of the uniform building codes as adopted by the town, and any vacated or abandoned building not securely closed at all times; any abandoned structure, unsecured structure or vacant structure; any wood, metal or other material used for securing structures and buildings must be compatible with the color of the building or structure.
- R. **NO PERSON SHALL PERMIT OR CAUSE THE DISCHARGE, FLOW, SEEPAGE, OR SOAKING OF WATER FROM ANY SOURCE INCLUDING BUT NOT LIMITED TO ANY SWIMMING POOL, ARCHITECTURAL POOL, SPA, IRRIGATION SYSTEM, COOLER, CHILLER, OR HVAC CONDENSATE INTO AN PUBLIC STREET, ALLEYWAY, RIGHTS-OF-WAY OR ANY ABUTTING OR ADJACENT PUBLIC OR PRIVATE PROPERTY IN SUCH QUANTITY THAT MAY CAUSE DAMAGE TO PROPERTY; CREATE A HAZARDOUS CONDITION; OR MAY CONTRIBUTE TO THE DIMINUTION OF ANY PERSON’S ABILITY TO USE OR ENJOY THE CUSTOMARY MANNER THE AFFECTED PUBLIC OR PRIVATE PROPERTY.** All land shall be maintained so as to prevent ponding or the accumulation of stagnant water when such pond or water causes a hazardous or unhealthy condition, becomes a breeding area for insects, or which is causing soil erosion or damage to foundation walls. This does not apply to Town-approved retention basins as a whole except for portions of retention basins creating, contributing to or causing injury or endangerment to the health, safety or welfare of the community.
- S. Any condition defined or deemed to be a nuisance or hazard to the public health, safety, or welfare by any statute of the State of Arizona or any code or ordinance adopted by the Town of Queen Creek. These include but are not limited to the Queen Creek Town Code, the Queen Creek Zoning Ordinance, the Uniform Fire Code, International Building Code, Uniform Housing Code, and similar codes or any provision of any State statute or code or ordinance adopted by the Town of Queen Creek and intended to protect the character, safety or attractiveness of a neighborhood or area.
- T. Any landscaping, visible from public property, or the property of another that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or blighted appearance; uncultivated plants, weeds, grass, uncultivated shrubs or growth (whether growing or otherwise); or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground. Trees that overhang a sidewalk shall be trimmed a minimum of eight (8) feet above the sidewalk to allow for safe passage. Trees that overhang the street shall be trimmed a minimum of 14 feet above street grade to allow for safe and damage free passage of large public service vehicles (i.e., fire apparatus, solid waste vehicles).
- U. Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property. This includes but is not limited to, leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or blighted appearance. All replacement materials shall be uniform, compatible and consistent with the design thereof.
- V. To leave or permit to remain on any property, areas infested with insects or rodents including, but not limited to: bees, wasps, hornets, yellow jackets, mice, rats, or roaches, in an amount that may become a hazard to public health or safety.

- W. All exposed exterior surfaces, windows and doors shall be maintained so as to be free of deterioration that is a threat to health and safety, impervious to moisture and weather elements, or shall not otherwise present a deteriorated or blighted appearance. Windows, doors, locks on doors, and hinges must be present and installed properly. These items must be free from deterioration or blighting conditions. Any temporary boarding of structures and buildings must be done in accordance with Town specifications.

Examples of such deterioration and blight include but are not limited to:

1. Improperly anchored canopies, metal awnings, stairways, exhaust ducts and overhead extensions;
 2. Chimneys that are structurally unsafe;
 3. Exterior windows, doors, garage doors, door hardware and door frames that are not maintained in sound condition, that are not fitted securely in their frames and are not substantially weather tight or have inoperable locks, holes, breaks or cracks; Any exterior door incapable of functioning as intended by design;
 4. Paint that is deteriorated, indicated by peeling, flaking, cracked, blistering or mildew, resulting in exposed bare unprotected surfaces;
 5. Window screening, if present, shall be maintained in good condition;
 6. Boarded window or door openings on an occupied structure;
 7. Boarded window or door openings on an unoccupied or vacant structure for more than one hundred eighty days in any two-year period;
 8. Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or blighted appearance;
 9. Exterior painted surfaces with loose, cracked, scaling, chipping or peeling paint, visible from a public area, in such amounts as to present a deteriorated or blighted appearance;
 10. Any wood surfaces unprotected from the elements by paint or other protective treatment, except those naturally resistant to decay;
 11. The existence of hazards, hazardous waste, junk or graffiti on Property.
- X. All vacant, unsecured or abandoned buildings and structures shall be secured against unauthorized entry at all times.
1. Notice Posting.
 - a. The owner of record of a vacant, unsecured or abandoned structure or building is required to post a notice at the front of the structure or building, in a conspicuous location protected from the weather, that provides the current name, address, and phone number of the owner of record, if the owner of record resides locally, or the current name, address, and phone number for a local authorized agent.
 - b. If a notice of default or foreclosure has been recorded for the real property on which the vacant, unsecured or abandoned structure or building is constructed, the lender's name, address, and telephone number must also be provided on the notice posted.
 - c. The posted notice shall be no smaller than 8 ½ inches by 11 inches.
 2. Security.

The owner of a vacant, unsecured or abandoned structure or building, or responsible party, is responsible for securing that building or structure and its property against unauthorized entry in accordance with the following provisions:

 - a. For the first ninety (90) consecutive days during which the structure or building remains vacant, unsecured or abandoned, any doors, including garage doors, windows, and other opening of the structure or building may be secured with painted plywood panels that match the exterior appearance of the structure or building.
 - b. After the expiration of ninety (90) consecutive days, the owner, or responsible party, shall restore and maintain the structure or building to an occupied

appearance, with all doors, including garage doors, windows, and other openings of the structure or building in good repair. The owner, or responsible, shall also install and maintain a security fence around the structure or building and maintain a commercially-serviced, 24-hour burglar alarm system to prevent unauthorized entry into the structure or building or onto the property.

- Y. Any condition which poses a substantial risk to the health or safety of any person or of the public, including, but not limited to, an unsafe, unsanitary or structurally unsound condition.
- Z. Construction debris uncontained for more than twenty-four hours or not contained upon the premises under construction.

9B - Ordinance 864-25

Final Audit Report

2025-04-04

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